

**CONTINUATION-IN-PART
DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am one of the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"SOUND RECORDING AND REPRODUCTION SYSTEM"

Case No. P97,1046; the specification of which **is a continuation-in-part application of U.S. Serial No. 08/289,257 filed on August 11, 1994.**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.

I acknowledge the duty to disclose to the United States Patent Office all information known to me, which information is material to the examination of this application, in accordance with Title 37, Code of Federal Regulations, 1.56(a)¹. I also acknowledge the duty to disclose to the United States Patent Office all information known to me to be material to patentability as defined in §1.56 which became available between the filing date of the prior application, **August 11, 1994**, and the filing date of this continuation-in-part application.

As to the subject matter of this application which is common to **U.S. Serial No. 08/289,257 filed on August 11, 1994**, I do not know and do not believe that this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the earlier application, I believe that the same was not in public use or on sale in the United States of America more than one year prior to this earlier application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this earlier application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this earlier application by me or my legal representatives or assigns, except as identified below.

As to the subject matter of this application which is not common to **U.S. Serial No. 08/289,257 filed on August 11, 1994**, I do not know and do not believe this invention was ever known or used

¹(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or
(ii) Asserting an argument of unpatentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, I believe that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below:

Number	Prior Foreign Application(s) Country	Date
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and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

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Number	Prior Foreign Application(s) Country	Date
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And I hereby appoint Messrs. John D. Simpson (Reg. No. 19,842), Lewis T. Steadman (17,074), Dennis A. Gross (24,410), Steven H. Noll (28,982), Kevin W. Guynn (29,927), Robert M. Barrett (30,142), Robert M. Ward (26,517), Brett A. Valiquet (27,841), Edward A. Lehman (22,312), James D. Hobart (24,149), Marvin Moody (16,549), Melvin A. Robinson (31,870), David R. Metzger (32,919), James Van Santen (16,584), William C. Stueber (16,453), and J. Arthur Gross (13,615) all members of the firm of Hill, Steadman & Simpson, A Professional Corporation

Telephone: 312/876-0200 Ext. 3165

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Hill, Steadman & Simpson
A Professional Corporation
85th Floor Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor MICHAEL J. NOVOSEL 1-00
Inventor's signature Michael J. Novosel
Date May 5, 1997
Residence CHICAGO, ILLINOIS IL
Citizenship USA
Post Office Address 4220 NORTH MARMORA, CHICAGO, IL 60634

Full name of second joint inventor VINCENT S. FLESZEWSKI, III 2-00
Inventor's signature Vincent S. Fleszowski
Date April 30, 1997
Residence CROWN POINT, INDIANA IN
Citizenship USA
Post Office Address 11352 HOBART PLACE, CROWN POINT, IN 46307

Full name of third joint inventor KELLY BOLES
Inventor's signature _____
Date _____
Residence ROCHESTER, MN
Citizenship USA
Post Office Address 1407-48th STREET N.W., ROCHESTER, MN 55901

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85th Floor Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor MICHAEL J. NOVOSEL
Inventor's signature _____
Date _____
Residence CHICAGO, ILLINOIS
Citizenship USA
Post Office Address 4220 NORTH MARMORA, CHICAGO, IL 60634

Full name of second joint inventor VINCENT S. FLESZEWSKI, III
Inventor's signature _____
Date _____
Residence CROWN POINT, INDIANA
Citizenship USA
Post Office Address 11352 HOBART PLACE, CROWN POINT, IN 46307

Full name of third joint inventor KELLY BOLES
Inventor's signature Kelly Boles
Date 4-25-87
Residence ROCHESTER, MN
Citizenship USA
Post Office Address 1407-48th STREET N.W., ROCHESTER, MN 55901

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Applicant or Patentee Michael J. Novosel et al.
Serial or Patent No. _____
Filed or Issued: _____
For: "SOUND RECORDING AND REPRODUCTION SYSTEM"

Attorney's
Docket No.: P97,1046

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN REAL RAIL EFFECTS, INC.
ADDRESS OF SMALL BUSINESS 4220 North Marmora, Chicago, IL 60634

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled: "SOUND RECORDING AND REPRODUCTION SYSTEM" by inventors MICHAEL J. NOVOSEL et al. as described in

- ☒ the specification filed herewith
☐ application Serial No. _____, filed _____
☐ Patent No. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME None
ADDRESS _____

☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING MICHAEL J. NOVOSEL

TITLE OF PERSON OTHER THAN OWNER PRESIDENT

ADDRESS OF PERSON SIGNING 4220 NORTH MARMORA STREET, CHICAGO, IL 60634

SIGNATURE Michael J Novosel DATE May 4, 1987